

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 734 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT
and
Hon'ble MR.JUSTICE M.C.PATEL

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

SUDHABEN SANJAYBHAI VASAVA, W/O DECD.SANJAYBHAI VASAVA

Appearance:

1. First Appeal No. 734 of 2001
MRS VASAVDATTA BHATT for Appellant No. 1
NOTICE UNSERVED for Respondent No. 1,5
MR MTM HAKIM for Respondent No. 2-4
NOTICE SERVED for Respondent No. 6

CORAM : MR.JUSTICE Y.B.BHATT
and
MR.JUSTICE M.C.PATEL

Date of decision: 28/06/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. Heard the learned counsel for the respective parties. Appeal admitted. Mr. M.T.M. Hakim appears for respondents no. 2 to 4 who are the original claimants and beneficiaries of the impugned award. Mr. Hakim waives service of the appeal for the said respondents.

2. On a joint request of the learned counsel for the respective parties, the appeal is taken up for final hearing today.

3. This is an appeal under Section 173 of the Motor Vehicles Act, 1988 at the instance of the Gujarat State Road Transport Corporation, who is the owner of the bus which caused the accident and gave rise to the claim petition under Section 166 of the Act. It is pertinent to note that the Tribunal has awarded in the aggregate, a compensation of Rs.5,70,564/-, whereas the appeal is limited to Rs.1,00,000/-.

4. We have heard the learned counsel for the appellant and also the learned counsel for the claimants. We have carefully perused the impugned judgment and order and have also perused such evidentiary material on record to which our attention has been drawn.

5. As a result of the hearing and discussion, learned counsel have arrived at a consensus on the basis of which they left the final figure of compensation to be determined, to the discretion of the court, without the necessity of giving reasons therefor.

6. As aforesaid, we have applied our mind to the submissions made by each of the learned counsel in support of their respective claims and contentions and have examined such claims and contentions in the light of the material on record.

7. As a result of this exercise, we are of the opinion that the interests of justice would be served by awarding aggregate compensation to the claimants in the sum of Rs.5,35,564/- (Rupees Five lakhs thirty-five thousand five hundred and sixty four only). We find and hold accordingly. It is clarified that the impugned judgment is modified only to the extent of this amount and the rest of the award stands confirmed.

8. Decree accordingly.

9. As a result, this appeal is partly allowed with

no orders as to costs.

hki